IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

WP(C).No. 38052 of 2003(E)

PETITIONER:

K.JOSEPH, S/O.KURIAN, KALARIYIL HOUSE,
PIRAVOM P.O. MUVATTUPUZHA TALUK.

BY ADV. SRI.K.SURENDRA MOHAN

RESPONDENTS:
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1. THE EXECUTIVE ENGINEER,
MINOR IRRIGATION DIVISION, ERNAKULAM.

2. THE EXECUTIVE ENGINEER,
MINOR IRRIGATION DIVISION, KOTTAYAM.

3. THE STATE OF KERALA, REP. BY THE
CHIEF SECRETARY TO GOVERNMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM.

4. THE ACCOUNTNT GENERAL,(KERALA)
OFFICE OF THE ACCOUNTANT, GENERAL (A&E),
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT.N.SUDHA DEVI.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF THE JUDGMENT DT. 25.3.2002 OF THE HIGH COURT OF KERALA IN O.P.NO.19821/99.

EXT.P2 : TRUE COPY OF THE COVERING LETTER DT. 1.6.2002 OF THE PETITIONER TO ALL THE RESPONDENTS.

EXT.P3 : TRUE COPY OF THE LETTER DT. 17.9.2002 OF THE 4TH RESPONDENT.

EXT.P4 : TRUE COPY OF THE LETTER DT. 10.12.2002 OF THE 4TH RESPONDENT TO THE PETITIONER.

EXT.P5 : TRUE COPY OF LAWYERS NOTICE DT. 1.1.2003 TO THE 1ST AND 4TH RESPONDENTS.

EXT.P6 TRUE COPY OF THE COMMUNICATION DT. 6.10.2003 OF THE 4TH RESPONDENT.

RESPONDENTS' EXHIBITS :

EXT.R1A ORDER NO.ELE.360/99 DT. 26.8.2002 OF THE ASST.EXECUTIVE ENGINEER, SUB DIVISION, ALUVA.

EXT.R1B GO(P) NO.25/2002/WRD DT. 17.6.2002 OF WATER RESOURCES (A) DEPT.

TGS

KURIAN JOSEPH J.

W.P.(C) No.38052 of 2003

Dated 17th August, 2007.

J U D G M E N T

Petitioner is aggrieved by Ext.P6 communication from the Accountant General with regard to the refixation of pension. It is seen from the counter affidavit that the petitioner retired from service on 31.10.1993 as Worker Grade II and at that time, he had regular service of seven years from 1.4.1986 to 31.10.1993 and SLR service of 18 years, totalling to 26 years. It is also stated that though the eligibility was only for minimum pension, pension was sanctioned counting the entire SLR service. Since the action taken is thus to rectify an apparent error while calculating the pension, it cannot be said that the same is in any way unreasonable. In case the petitioner has any dispute regarding quantification of pension, it will be open to him to approach the third respondent, in which case, the matter will be duly examined by the third respondent with notice to the petitioner.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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